

**ENTERED**

January 13, 2025

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION

CASSANDRA WHITAKER,

Plaintiff,

VS.

DRAGON DREAM INC., ALL SQUARE,  
INC., IZK, LLC, ADRIANA TREVINO  
and ISSAC V GARCIA,

Defendants.

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Civil Case No. 7:23-CV-00339

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the December 18, 2024, Memorandum and Recommendation ("M&R") prepared by Magistrate Judge Peter Bray. (Dkt. No. 58). Judge Bray made findings and conclusions regarding Plaintiff's removal of this case to federal court, (Dkt. No. 1), and Judge Bray's previous order, (Dkt. No. 42), in which he instructed Plaintiff to serve "any outstanding defendants against whom Plaintiff wishes to pursue her claims," (*id.* at 1), as required by Federal Rule of Civil Procedure 4(m). Based on Plaintiff's failure to serve Defendant Dragon Dream Inc. by the order's July 26, 2024, deadline, Judge Bray recommended that Dragon Dream Inc. be dismissed without prejudice for failure to serve. (Dkt. No. 58 at 1).

The Parties were provided proper notice and the opportunity to object to the M&R. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). No party filed an objection. As a result, review is straightforward: plain error. *Guillory v. PPG Indus., Inc.*, 434 F.3d 303, 308 (5th Cir. 2005). No plain error appears.

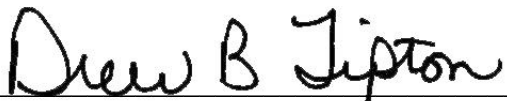
Accordingly, the Court accepts the M&R and adopts it as the opinion of the Court.

It is therefore ordered that:

- (1) Magistrate Judge Bray's M&R (Dkt. No. 58) is **ACCEPTED** and **ADOPTED** in its entirety as the holding of the Court; and
- (2) Defendant Dragon Dream Inc. is **DISMISSED** without prejudice.

It is SO ORDERED.

Signed on January 13, 2025.

  
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DREW B. TIPTON  
UNITED STATES DISTRICT JUDGE